

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN AYANBADEJO, <i>et al.</i> ,	§	
Petitioners,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-1177
	§	
JANET NAPOLITANO, <i>et al.</i> ,	§	
Respondents.	§	

MEMORANDUM AND ORDER

Petitioners John Ayanbadejo and Felicia Malveaux Ayanbadejo filed this lawsuit challenging the denial of an I-130 Petition for Alien Relative (“I-130 Petition”). In September 2009, the Court issued a Memorandum and Order [Doc. # 64] granting summary judgment in favor of Respondents. The United States Court of Appeals for the Fifth Circuit dismissed Petitioners’ appeal as untimely, and the Supreme Court denied certiorari.

On January 3, 2014, Petitioner John Ayanbadejo filed a Motion for Relief from Judgment [Doc. # 100], seeking reconsideration of the Court’s ruling in connection with the denial of the I-130 Petition based on the approval of an I-360 Petition. The Court denied the Motion for Relief from Judgment by Memorandum and Order [Doc. # 102] entered January 6, 2014. The Court noted that the Motion for Relief from Judgment pursuant to Rule 60(b)(4) was without merit, and the Motion for Relief from


Judgment based on any other subsection of Rule 60(b) was untimely. The Court notes additionally that the approval of an I-360 Petition does not affect the Court's ruling regarding the denial of an I-130 Petition.

On January 14, 2014, Petitioner filed a "Verified Motion and Memorandum in Support of Motion to Amend Motion for Relief from Judgment to Conform to Court's Order and Motion for Reconsideration of Denial of Motion for Relief from Judgment" [Doc. # 104]. On January 16, 2014, Petitioner filed a "Verified Motion and Memorandum in Support of Motion to Amend Motion for Reconsideration of Denial of Motion for Relief from Judgment" [Doc. # 105] and a "Proposed Further Amended Verified Motion and Memorandum in Support of Motion for Relief from Judgment" [Doc. # 106]. For the reasons stated in the January 6, 2014 Memorandum and Order, as supplemented herein, each of these three motions is denied. Accordingly it is hereby

ORDERED that Petitioner's "Verified Motion and Memorandum in Support of Motion to Amend Motion for Relief from Judgment to Conform to Court's Order and Motion for Reconsideration of Denial of Motion for Relief from Judgment" [Doc. # 104], "Verified Motion and Memorandum in Support of Motion to Amend Motion for Reconsideration of Denial of Motion for Relief from Judgment" [Doc. # 105], and

“Proposed Further Amended Verified Motion and Memorandum in Support of Motion for Relief from Judgment” [Doc. # 106] are **DENIED**.

SIGNED at Houston, Texas, this 21st day of **January, 2014**.



Nancy F. Atlas
United States District Judge